

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, FEBRUARY 12, 1990
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 2:07 p.m.
Deputy Mayor Wolfsheimer adjourned the meeting at 5:42 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
- Clerk-Abdelnour (eb)

FILE LOCATION: MINUTES

Feb-12-1990

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

Feb-12-1990

ITEM-10: INVOCATION

Invocation was given by City Clerk Abdelnour.

FILE LOCATION: MINUTES

Feb-12-1990

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member
Roberts.

FILE LOCATION: MINUTES

Feb-12-1990

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

- 01/08/90
- 01/08/90 Special
- 01/09/90

01/11/90 Special
01/12/90 Special Workshop
01/18/90 Special Workshop

FILE LOCATION: Minutes

COUNCIL ACTION: (Tape location: A055-058.)

MOTION BY PRATT TO APPROVE. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-100: (R-90-972) ADOPTED AS RESOLUTION R-275111

Accepting the low bid in the amount of \$69,493.55, Base Bid and Additive Alternate No. 1, and awarding a contract to Edwards Construction Company for Point Loma Avenue Beach Access Stairway Extension and Reconstruction of Ocean Walkway Southerly of Santa Cruz Avenue; authorizing the City Auditor and Comptroller to transfer \$21,800 from CIP-58-004.0, Annual Allocation - Miscellaneous Requirements - City Streets; authorizing the expenditure of not to exceed \$21,800 from CIP-58-004.0, Annual Allocation - Miscellaneous, to supplement funds previously authorized by Resolution R-274620, adopted October 30, 1989, solely and exclusively for providing funds for the project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K-1035/90)

(Ocean Beach Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: A beach access stairway at the westerly terminus of Point Loma Avenue and an ocean walkway southerly of Santa Cruz Avenue have been closed to public access. The closure was necessary because erosion caused by wave action has created an unsafe condition at each location.

The repairs proposed by this project will allow both facilities to be reopened for public use. Thirty-three bid packages were issued. Five bids were received. The low bid is 34 percent above the project estimate of \$52,000. The three lowest bids are clustered within 20 percent of each other and appear to be representative of present costs for the type of construction proposed by this project. Discussions with bidders after the bids were opened indicated that the difficult access to each site resulted in higher unit costs than were shown on the project estimate. It is unlikely that significantly lower bids would result from rebidding the project.

Aud. Cert. 9000588.

FILE LOCATION: CONT-Edwards Construction Company
CONTFY90-1

COUNCIL ACTION: (Tape location: A525-589.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Bernhardt.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-101: (R-90-1127) ADOPTED AS RESOLUTION R-275112

Authorizing the execution of an amendment to the
Subdivision Improvement Agreement for Westwood Valley Unit
No. 1 to provide for the substitution of Beck Development
Company, Inc., as subdivider for Westwood Valley
Partnership; declaring that the improvement to be
constructed shall be completed by May 2, 1990; accepting
the Irrevocable Standby Letter of Credit No. I-96828 issued
by Security Pacific National Bank, in the amount of
\$1,690,791, as the surety for the required improvements in
the subdivision; releasing Performance Bond No. BD 79 00
518951, issued by Allied Mutual Insurance Company, in the
amount of \$1,690,791.
(Rancho Bernardo Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: On November 2, 1987 the City entered into an agreement with Westwood Valley Partnership for the construction of public improvements for Westwood Valley Unit No. 1. The agreement expired on November 2, 1989. The property is now owned by Beck Development Company, Inc., a California corporation. The new owner has signed an amended agreement to assume all of the obligations of the original subdivider and complete the required work. The amended agreement also provides for an extension of time to complete the work to May 2, 1990. The new subdivider has provided a Letter of Credit for the same amount as the original bond in the amount of \$1,690,791. The amended agreement and time extension are in accordance with Council Policy 600-21. It is recommended that the time extension be granted since the improvements to be delayed are not necessary to serve adjacent developments or the general public.

FILE LOCATION: SUBD-Westwood Valley Unit No.1
CONTFY90-1

COUNCIL ACTION: (Tape location: A525-589.)
CONSENT MOTION BY HENDERSON TO ADOPT. Second by Bernhardt.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-102: (R-90-1142) ADOPTED AS RESOLUTION R-275113

Calling a public hearing to determine whether the public health, safety or general welfare requires the formation of an Underground Utility District to be known and denominated as the Garnet Avenue (Soledad Mountain Road to I-5) Underground Utility District.

(Pacific Beach Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: The proposed district will underground the overhead utility facilities on Garnet Avenue between Soledad Mountain Road and I-5. This is a

scheduled project in the calendar year 1990 Capital Improvements Program. The formation of this district will require the affected property owners to underground the portion of their utilities on their parcel prior to removal of the overhead utilities. Council Policy 800-2 provides for the use of San Diego Gas & Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners based on the length of their electrical service trench. A future resolution will establish the date for removal of overhead utilities as the undergrounding work approaches completion.
Aud. Cert. 9000644.

FILE LOCATION: STRT K-192

COUNCIL ACTION: (Tape location: A525-589.)
CONSENT MOTION BY HENDERSON TO ADOPT. Second by Bernhardt.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-103: (R-90-1179) ADOPTED AS RESOLUTION R-275114

Resolution of Intention to vacate a portion of "E" Street and "F" Street, east of California Street and west of Kettner Boulevard, under the provisions of the Public Streets, Highways, and Service Easements Vacation Law; and fixing a time and a place for the public hearing.
(Centre City Community Area. District-8.)

FILE LOCATION: STRT J-2732

COUNCIL ACTION: (Tape location: A525-589.)
CONSENT MOTION BY HENDERSON TO ADOPT. Second by Bernhardt.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-104: (R-90-1140) ADOPTED AS RESOLUTION R-275115

Approving City Manager Report CMR-90-16, Late Charges and Interest on Delinquent Refuse Disposal Fee Accounts; authorizing the City Manager to amend the "1989 Fee Schedule and Regulations for the Use of the City of San Diego Waste Disposal Facilities", by changing the late charge for delinquent deferred payment accounts to read: "\$50 or ten percent of the delinquent payment, whichever is greater" and to add an interest charge of 1 percent per month on total balances past due thirty days or more. (See City Manager Report CMR-90-16.)

COMMITTEE ACTION: Reviewed by PSS on 1/17/90. Recommendation to approve the City Manager's recommendation. Districts 3, 4 and 7 voted yea. Districts 2 and 5 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A525-589.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-105: (R-90-1171) REFERRED TO CITY MANAGER

Authorizing the City Manager to expend an amount not to exceed \$10,000 from Open Space Bond Fund 79104 for the appraisal of three parcels of land, totaling 16.89 acres of land in Carroll Canyon, for its acquisition through the Open Space Program.

(Mira Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: On November 21, 1989, Item 340 on the Council's docket was a request of Carroll Canyon Golf and Recreation Center to develop a 17-acre site. Council voted to "Deny the request and direct the City Manager to

attempt to acquire the property through the open space program for the Mira Mesa Community." This property is a portion of Carroll Canyon A, Priority No. 29, in Category B, of the Council's adopted open space retention list. It consists of three parcels totalling 16.89 acres and is located south of Carroll Canyon Road and Pacific Heights Boulevard. This request is for Council approval of inclusion of these parcels into the open space acquisition plan and to authorize expenditure of \$10,000 from Open Space Bond Fund 79104 for appraisal costs. Aud. Cert. 9000659.

FILE LOCATION: STRT OS-1

COUNCIL ACTION: (Tape location: B001-026.)

MOTION BY BERNHARDT TO REFER TO THE CITY MANAGER TO REVIEW AND REPORT TO THE PUBLIC FACILITIES AND RECREATION COMMITTEE.

Second by Wolfsheimer. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea,
Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor
O'Connor-yea.

* ITEM-106: (R-90-1159) ADOPTED AS RESOLUTION R-275116

Modifying the Fiscal Year 1990, Capital Improvements
Program, Annual Appropriations Budget, Ordinance
No. O-17326, CIP-62-292, by changing one of the Traffic
Signal Project locations from Regents Road and Pennant Way
to Governor Drive and Regents Road.

(South University Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: Both Regents Road at Pennant Way and Governor Drive at Regents Road have previously met City Council Policy 200-6 for a traffic signal and are eligible for Development Impact Fee (DIF) funds in the south University Community. Regents Road and Pennant Way was recommended for a traffic signal project funded by DIF in January 1989 and adopted into the City Budget in June 1989. Since the adoption of the FY '90 City Budget, staff has

re-evaluated the priority of the two signals using Council Policy 200-6. It was found that the Governor Drive signal is a higher priority than the Pennant Way signal. The Community Planning group has indicated support for this change in project locations.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A525-589.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Bernhardt.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-107: (R-90-1177) ADOPTED AS RESOLUTION R-275117

Authorizing the City Manager to settle the action entitled City of San Diego v. Charles J. Gang, et al. with the payment of an additional \$15,000 for the acquisition of the real property which is the subject matter of the Case No. 600728 by the City of San Diego, pursuant to the Uptown Open Space Project which was authorized by the City Council in Resolution R-270419, adopted in February, 1988; authorizing the City Auditor and Comptroller to transfer the \$15,000 from the Open Space General Bond Fund 79104 to

the individual Goldfinch Canyon Open Space Project Fund to cover the additional funds required to settle Case No. 600728; authorizing the City Auditor and Comptroller to transfer an additional \$35,000 from the Open Space General Bond Fund 79104 to the individual Goldfinch Canyon Open Space Project Fund to cover any final closing costs, miscellaneous expenses and acquisition and/or litigation expenses required to acquire the McCann property (Parcel 44), located at the northeast corner of Dove Street and Arbor Drive in San Diego, in order to complete the entire Goldfinch Canyon Open Space Program.
(Uptown Community Area. District-2.)
Aud. Cert. 9000668.

FILE LOCATION: STRT OS-30

COUNCIL ACTION: (Tape location: A525-589.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Bernhardt.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-108: (R-90-1145) ADOPTED AS RESOLUTION R-275118

Authorizing the execution of an agreement with E/C Engineering for professional services in connection with the upgrading of existing heating, ventilating and air conditioning systems in Balboa Park, together with any reasonably necessary modifications or amendments which do not increase the project scope or cost and which the City Manager shall deem necessary to carry out the purposes and intent of this project and agreement; authorizing the expenditure of an amount not to exceed \$320,000 from Fund No. 102242, CIP-21-834, Transient Occupancy Tax Unappropriated Reserve for Balboa Park Improvement Projects, for the purpose of providing funds for the above project and related costs; authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves, upon advice from the administering department.

(Balboa Park Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: On September 28, 1988 the City Council approved a change in the Transient Occupancy Tax rate and allocated General Funds in an amount equivalent to the revenue from 1 percent of the T.O.T. to improvements within Balboa Park. The adopted Balboa Park Master Plan identifies the Museum of Man, Museum of Art, The Natural History Museum and the Casa de Balboa as buildings in need of improvements. The Museum of Man, Museum of Art, The Natural History Museum and the Casa de Balboa have a variety of heating, ventilating and air

conditioning systems ranging from none to poorly coordinated systems. This agreement will provide for the investigation of existing systems, the design of efficient systems and the professional engineering support in the administration of construction contracts for the improvements.
Aud. Cert. 9000607.

FILE LOCATION: MEET CCONFY90-1

COUNCIL ACTION: (Tape location: A525-589.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Bernhardt.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-109: (R-90-1147) ADOPTED AS RESOLUTION R-275119

Authorizing the execution of a third amendment to agreement with Ferver Engineering Company to perform consulting engineering services in connection with the retrofitting of the City bridges with earthquake restrainers; authorizing the expenditure of an amount not to exceed \$43,300 from CIP-53-037.0, Earthquake Restrainers for Bridges, Fund No. 30245, for the purpose of providing funds for the above project.

CITY MANAGER SUPPORTING INFORMATION: This project will provide the City with engineering consultant services for the retrofitting of various City bridges with earthquake restrainers. One of the City's two consultants, Ferver Engineering Company, has investigated ten of the twenty bridges during Phase I and II of a three-phase program to evaluate and design seismic restrainers. Phase I, a "preliminary screening"

process, was completed in August of 1984 and provided an initial assessment and priority listing of bridge structures. Phase II was completed in December 19, 1985 and provided "detailed seismic analysis" and recommended retrofit measures with schematic and approximate costs. Phase III, "Earthquake

Restrainer Design," was completed in August 1988 and provided the plans, specifications and detailed cost estimate necessary to construct seismic restrainers. The third amendment to agreement will require the consultant to update the plans, specifications and the cost estimates for the following City bridges, in accordance with the latest AASHTO specifications and the requirements of California Department of Transportation to make them ready for construction:

1. C023 W. Mission Bay Drive over San Diego River.
2. C028 Morena Boulevard over San Diego River.
3. C077 Adams Avenue over Texas Street.

Aud. Cert. 9000626.

FILE LOCATION: MEET CCONFY90-1

COUNCIL ACTION: (Tape location: A525-589.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Bernhardt.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-110: (R-90-1136) ADOPTED AS RESOLUTION R-275120

Authorizing the execution of an Amendment No. 1 to the agreement of April 25, 1988 with Ferver Engineering Company for professional services in connection with the rehabilitation of the Alvarado Reservoir roof; authorizing the expenditure of an amount not to exceed \$43,000 from Water Revenue Fund No. 41502, CIP-73-235.0, Alvarado Regulating Reservoir Roof, for providing funds for the above project.

(Navajo Community Area. District-7.)

CITY MANAGER SUPPORTING INFORMATION: On April 25, 1988, the City entered into an agreement with Ferver Engineering Company, Document No. RR-270801, to provide engineering services for the

rehabilitation of the Alvarado Reservoir roof. The original scope of work and fees were based on the necessary design services for the rehabilitation of the Alvarado Reservoir roof.

However, during Phase I, inspection and study of the project, it was determined that the reservoir roof has deteriorated beyond repair and that the best economical alternative was not repair, but demolition and reconstruction of the roof including the latest concepts in the design of a new floating cover, new floor slab and accessories, new inlet and outlet valves, and surveying to prepare accurate existing site plans. Therefore, the City and the consultant wish to amend their agreement to provide the funds necessary to perform the additional services associated with the rehabilitation of the Alvarado Reservoir roof.

Aud. Cert. 9000616.

WU-U-90-085.

FILE LOCATION: MEET CCONFY90-1

COUNCIL ACTION: (Tape location: A525-589.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Bernhardt.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-111: (R-90-1152) ADOPTED AS RESOLUTION R-275121

Authorizing the execution of an agreement with Kercheval Engineers for structural consultant services to review and evaluate plans submitted for subdivision projects.

CITY MANAGER SUPPORTING INFORMATION: This agreement will provide professional consultant services to review and evaluate plans submitted for subdivision projects for calendar years 1990 and 1991. Similar contracts have been utilized for geotechnical consultant services in the past and are typically issued on a two-year basis. Letters of interest were solicited from qualified consultants by advertisements appearing in the "San Diego Daily Transcript," on September 8, 1989. After reviewing the data submitted by ten firms, the consultant nominating committee recommended five firms for further consideration. Staff then interviewed the five firms and recommend Kercheval Engineers. This agreement is for a two-year period at a maximum fee of \$30,000 per year.

FILE LOCATION: MEET CCONFY90-1

COUNCIL ACTION: (Tape location: A525-589.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Bernhardt.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-112: (R-90-1146) ADOPTED AS RESOLUTION R-275122

Authorizing the execution of a third amendment to the agreement with Kercheval and Associates to perform consulting engineering services in connection with the retrofitting of the City bridges with earthquake restrainers; authorizing the expenditure of an amount not to exceed \$23,830 from CIP-53-037.0, Earthquake Restrainers for Bridges, Fund 30245, for the purpose of providing funds for the above project.

CITY MANAGER SUPPORTING INFORMATION: This project will provide the City with engineering consultant services for the retrofitting of various City bridges with earthquake restrainers. One of the City's two consultants, Kercheval and Associates, has investigated ten of the twenty bridges during Phase I and II of a three-phase program to evaluate and design seismic restrainers. Phase I a "preliminary screening" process, was completed in August of 1984 and provided an initial assessment and priority listing of bridge structures. Phase II was completed in December of 1985 and provided "detailed seismic analysis" and recommended retrofit measures with schematic and approximate costs. Phase III, "Earthquake Restrainer Design," was completed in August 1988 and provided the plans, specifications and detailed cost estimate necessary to construct seismic restrainers. The third amendment to agreement will require the consultant to update the plans, specifications and the cost estimates for the following City bridges, in accordance with the latest ASSHT specifications and the requirements of California Department of Transportation to make them ready for construction:

1 - CO 79 University over Washington Street
2 - C 195 Harbor Drive over Chollas Creek
Aud. Cert. 9000627.

FILE LOCATION: MEET CCONFY90-1

COUNCIL ACTION: (Tape location: A525-589.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Bernhardt.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-113: (R-90-1156) ADOPTED AS RESOLUTION R-275123

Authorizing a change in the Scope of Work in CIP-46-086, Point Loma - Administration Building Remodel, to create a new project to be entitled "Point Loma - Maintenance Building Expansion"; authorizing the execution of an agreement with Architects Moser/Drew/Watson/Ferguson for professional services in connection with the Point Loma Maintenance Building Expansion, together with any necessary modifications or amendments which do not increase the project scope or cost and which the City Manager shall deem necessary in order to carry out the purposes and intent of the project and agreement; authorizing the expenditure of an amount not to exceed \$102,717 from the Sewer Revenue Fund No. 41506, CIP-46-086, to supplement the amount of \$100,212 previously authorized by Resolution R-266599, adopted on September 15, 1986, to provide funds for the above project; authorizing the City Manager to finance or refinance this project with tax-exempt securities, if circumstances warrant.

(District-2.)

CITY MANAGER SUPPORTING INFORMATION: On September 15, 1986, Amendment No. 1 for CIP-46-086, Point Loma Administration Building Remodel and Maintenance Building Expansion, was approved by the City Council (RR-266599-2). This revised

agreement will provide the architectural services for the maintenance building expansion. The expansion will include additional maintenance shop areas, office space, a training room and an eating area. This agreement will also delete the

Administration Building Remodel portion of Amendment No. 1. The Administration Building Remodel is being deleted because of the uncertainty associated with the future growth requirements of the treatment plant, due to the necessary Clean Water Program planning effort. The decision to continue with the maintenance building expansion is based on the current need for more maintenance shop area; the expansion will not affect any future growth requirements. For continuity, the subconsultants for this agreement will remain the same as the original agreement and Amendment No. 1. The subconsultants and percentage of the contract are as follows: Brown, Zammit, Enyeart (Mechanical & Electrical) - 30 percent; Blaylock-Willis (Structural Engineer) - 15 percent; Kawasaki/Theilacker/Ueno & Associates, MBE (Landscape Architect) - 2.5 percent; Dennis Crampton & Associates (Estimating) - 0.7 percent; Shoulders & Sanford (Surveyor) - 1.7 percent; and Woodward-Clyde Associates (Soils) - 2.9 percent.

Aud. Cert. 9000653.

WU-U-90-043.

FILE LOCATION: MEET CCONFY90-1

COUNCIL ACTION: (Tape location: A525-589.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Bernhardt.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,

Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,

McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-114: (R-90-1183) CONTINUED TO FEBRUARY 20, 1990

Authorizing the execution of a 25 year lease agreement with John A. and Amelia Baldan, dba Casa Machado Restaurant No. 3, to operate a restaurant and cocktail lounge at Montgomery Field, on a percentage lease with a beginning minimum annual rent of \$46,800.

(Kearny Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: John and Amelia Baldan have operated the Casa Machado Restaurant on the second floor of the Administration Terminal Building on Montgomery Field since 1976. The existing lease will expire on April 13, 1991. The

current yearly rent is \$33,089 or percentages of gross income, whichever is greater. The Baldans have paid \$258,266 in percentage rents over the last five years (an average of \$51,650/year). The Baldans have proposed a 25-year lease renewal at this time to permit the installation of a 1,380 square foot roof over the patio at a cost of approximately \$75,000 and to allow adequate time to fully amortize design and construction costs. This would increase the number of days the patio is available for use thereby increasing revenue. Since this is a part of an existing City-owned building and the roof will alleviate a rain leaking problem in the first floor conference room, the Airports Enterprise Fund will contribute \$5,000 for engineering design through a rental offset. All terms and conditions of the new lease have been updated to the current market. Rent has been increased to \$46,800 per year initially or the following percentages of gross income, whichever is greater: 6-1/2 percent food and non-alcoholic beverages; 8-1/2 percent alcoholic beverages; 11 percent all other sources; and 25 percent of commissions from coin-operated vending machines. The minimum yearly rent will be adjusted after 5 years and every 2-1/2 years thereafter based on 80 percent of the annual average of rents paid over the preceeding two years or on the consumer price index, whichever is greater. No downward adjustments will be permitted.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: B030-057.)

MOTION BY BERNHARDT TO CONTINUE TO FEBRUARY 20, 1990, FOR FURTHER REVIEW. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-115: (R-90-1118) ADOPTED AS RESOLUTION R-275124

Authorizing the execution of a five-year lease agreement with Tuneco Partners No. 1 for property located at 1005 B Street to be used as an automotive repair facility, at a minimum monthly rent of \$1,500 versus 10 percent of the gross.

(See City Manager Report CMR-90-40. Centre City Community Area. District-8.)

FILE LOCATION: LEAS-Tuneco Partners No. 1
LEASFY90-1

COUNCIL ACTION: (Tape location: A525-589.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Bernhardt.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-116: (R-90-1155) ADOPTED AS RESOLUTION R-275125

Approving Change Order No. 5, dated October 17, 1989, issued in connection with the contract with Contri Construction Company regarding the Palm City Trunk Sewer, Pump Station and Force Main, amounting to a net increase in the contract price of \$6,123.25.

(Otay Mesa-Nestor Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: On June 30, 1987, the City Council authorized the advertisement for bids for the construction of the Palm City Trunk Sewer, Pump Station and Force Main. The bids were opened on April 2, 1988, and a contract for \$3,467,470 was awarded to Contri Construction Company on February 2, 1989. Change Order No. 5 consists of 8 separate changes of which 3 are cost increases, 3 are cost decreases and 2 are no cost change items. The net contract change is a contract increase of \$6,123.25.

Change Orders 1 through 5 provided a temporary trailer for the inspector, provided a cathodic protection system for the forcemain, provided mechanical seals for the sewage pumps, reimbursed the contractor for the removal of a buried street section in Palm Avenue, reimbursed the contractor for the installation of an additional manhole, an additional 300' of sewerline, and for other miscellaneous work. The City received a credit for eliminating the concrete cradle on portions of the trunk sewer. The total cost of Change Orders 1 through 5 is a net increase of \$65,752.30. This represents 1.9 percent of the contract. The contract is 80 percent complete and on schedule. Completion is estimated by February 1, 1990.
Aud. Cert. 9000650.

WU-U-90-060.

FILE LOCATION: CONT Contri Construction Company
CONFY90-1

COUNCIL ACTION: (Tape location: A525-589.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Bernhardt.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-150:

Two actions relative to the San Diego Museum of Art
Agreement:

(See City Manager Report CMR-89-07. Balboa Park Community
Area. District-8.)

Subitem-A: (R-90-1125) ADOPTED AS RESOLUTION R-275126

Authorizing the execution of an agreement with the San
Diego Museum of Art to operate an art museum in Balboa
Park, together with any necessary modifications or
amendments which do not increase the project scope or cost
and which the City Manager shall deem necessary in order to
carry out the purposes and intent of the project and
agreement.

Subitem-B: (R-90-920) NOTED AND FILED

(Placed on docket in error. The
lease agreement for Subitem-A is
the only one to be approved.)

Authorizing the execution of a lease agreement with San
Diego Museum of Art, for the operation and maintenance of a
public museum in Balboa Park.

COMMITTEE ACTION: Reviewed by PFR on 1/11/89. Recommendation
to execute the lease with the Museum of Art. Districts 1, 6,
and 8 voted yea. Districts 5 and 7 not present.

CITY MANAGER SUPPORTING INFORMATION: The San Diego Museum of
Art has maintained and operated an Art Museum on its present
site in Balboa Park since the early 1920's. The City and Museum
had entered into numerous short term agreements, usually for
five to ten (5-10) year periods. The proposed agreement is for
25 years and is subject to renegotiation every five years during

the term of the agreement. The City grants to the Museum an
option to renew for an additional 25 years upon the expiration
of the proposed agreement. Terms of this agreement are similar
to other agreements of comparable uses and occupancy by
cultural/educational institutions in Balboa Park. The Public
Facilities and Recreation Committee approved terms of this
agreement at its meeting on January 11, 1989.

FILE LOCATION: Subitems A and B LEAS-San Diego Museum of
Art Balboa Park LEASFY90-1

COUNCIL ACTION: (Tape location: C590-605.)

MOTION BY FILNER TO ADOPT. Second by Henderson. Passed by the
following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea,
Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea,
Filner-yea, Mayor O'Connor-yea.

ITEM-200: (R-90-1164) ADOPTED AS RESOLUTION R-275128

Adopting the determination and recommendations of the Salary Setting Commission, as contained in its letter of recommendation to the Mayor and Council, dated January 24, 1990; directing the City Attorney, pursuant to Section 41.1 of the Charter, to incorporate the Commission's recommendations in the annual salary ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D012-027.)

MOTION BY PRATT TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-nay.

ITEM-S400: CONTINUED TO MARCH 12, 1990

Three actions relative to the Linda Vista Road Landscape Maintenance District:

(Linda Vista Community Area. District-5.)

Subitem-A: (R-90-838)

Initiating proceedings for the formation of the Linda Vista Road Landscape Maintenance District.

Subitem-B: (R-90-1288)

Resolution of Intention to levy and collect assessment on the Linda Vista Road Landscape Maintenance District.

Subitem-C: (R-90-839)

Approving the City Engineer's Report submitted in connection with the Linda Vista Road Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION: Certain public improvements are proposed for Linda Vista Road between Via Las Cumbres and Genesee Avenue (Phase I) by constructing and landscaping raised medians and landscaping the parkway areas along each side of the street within the public right-of-way.

The proposed improvements, including the landscaping and the irrigation system, are part of a street enhancement project. The construction, contingent upon the establishment of the maintenance district, is scheduled to start in February 1990 and to be completed in May 1990. The construction costs will be paid from CIP-52-370.0. The present action is for the establishment of the district only. The landscaping improvements will be maintained by the contractor for approximately one year until July 1991 as part of the project contract. The district will be brought before the Council in July 1991 to levy assessments for the maintenance to be provided by the district starting in July 1991 for Fiscal Year 1992. The estimated cost of a full year of maintenance for the district is approximately \$75,000. The estimated number of assessable units within the district is 6,500, which corresponds to an annual unit assessment of approximately \$12.

FILE LOCATION: Subitems A, B, C STRT M-203

COUNCIL ACTION: (Tape location: A525-589, C304-310.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Bernhardt.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY BERNHARDT TO RECONSIDER. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY BERNHARDT TO CONTINUE TO MARCH 12, 1990. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S401: (R-90-1191) ADOPTED AS RESOLUTION R-275129

Authorizing and directing the Auditor and Comptroller to establish an interest bearing trust account to be entitled "Habitat Acquisition Fund" for the purpose of serving as a

repository for funds contributed to the City for acquisition, maintenance, and administrative costs associated with the establishment of biological habitat preserves; designating the Planning Director or the Director's designee as the administrators of the fund.

CITY MANAGER SUPPORTING INFORMATION: Substantial losses of habitat areas and fragmentation of remaining areas pose a threat to the biological resources of San Diego. The many endangered plants and animals endemic to the area are evidence of the effects of development on the biological community. In addition to reducing the amount of habitat, development also severs connections between habitat areas. The resulting small, isolated habitat areas are subject to species extinctions over time, with no possibility of recruitment from adjacent areas. Small isolated areas of natural vegetation are less valuable resources than larger habitat areas. Large, connected systems are needed in order to preserve representative areas with high species diversity. The proposed fund would be used to establish these greatly needed regional habitat preserves. The primary source of income to the fund would be contributions as mitigation for disturbances to resources protected by the City's Resource Protection Ordinance (O-17253, adopted February 27, 1989). This ordinance stipulates that land with sensitive

resources may not be developed unless mitigation measures are adopted. Contributions to the Habitat Conservation Fund would be allowed as mitigation for certain biological impacts according to the provisions of the Resource Protection Ordinance. The Habitat Conservation Fund would be managed by the Resource Management Sections of the Planning Department's Long Range Planning Division. The funds would be used for acquisition, maintenance, and administrative costs associated with the development of habitat preserves. Lands with biological resources would be acquired and the habitat values would be maintained. No uses that would be detrimental to the ecology of the biological system would be allowed on habitat preserves established with Habitat Conservation Fund money.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B057-C040.)

MOTION BY WOLFSHEIMER TO APPROVE AND DIRECT THE PLANNING
DEPARTMENT TO COME BACK TO TRANSPORTATION AND LAND USE
COMMITTEE

WITH THE FOLLOWING ADDITIONAL GUIDANCE FOR REVIEW: 1) CRITERIA
FOR AREAS THAT ARE SENSITIVE, 2) RANKING FOR ESTABLISHING
PRIORITIES, 3) WHEN MONEY IS ACCEPTABLE FOR ENVIRONMENTAL
DAMAGE, AND 4) STANDARDS FOR WHEN LAND IS TO BE PURCHASED.

Second by Filner. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea,
Bernhardt-nay, Henderson-nay, McCarty-yea, Filner-yea, Mayor
O'Connor-yea.

ITEM-S402: (O-90-138) INTRODUCED, TO BE ADOPTED FEBRUARY 26,
1990

Introduction of an Ordinance amending Chapter VI, Article
3, of the San Diego Municipal Code by amending Section
63.20.5, relating to Beach Fire Rings.

(La Jolla, La Jolla Shores, Mission Bay Park, Mission
Beach, Ocean Beach and Pacific Beach Community Areas.
Districts-1, 2 and 6.)

COMMITTEE ACTION: Reviewed by PFR on 12/13/89. Recommendation
to amend the Municipal Code regarding beach bonfires which would
limit fire materials to wood and/or paper products that do not
contain cloth, rubber, metal, asphalt, foam rubber, plastic, or
similar material or covering. Fire material shall not reach a
height of more than 12 inches above the upper edge of the fire
container. Fire materials shall be wholly contained within the
inside edge of the fire container. Districts 1, 3, 6, 7 and 8
voted yea.

CITY MANAGER SUPPORTING INFORMATION: Major problems with
beach bonfires currently occur when fires are built either apart
from a City-provided fire ring or inside a fire ring but
overlapping its edges. Problems with the former situation are

hot coals and nails (even skeletons of sofas and mattresses) left in the sand upon which beach patrons can injure themselves. Problems with the latter usually result from wooden pallets being stacked in the fire ring such that fires rise 10-30 feet in the air. Breezes disperse smoke, soot and embers to adjacent properties and debris, such as coals and nails, drop around the perimeter of the fire ring. To reduce many of the problems associated with beach bonfires, the Manager recommends amending Municipal Code Section 63.20.5 "Waste, Refuse, Etc. - Fires".

The revision will:

1. Provide enforcement personnel with authority to cite any user of an illegal beach bonfire, rather than just the builder of the fire, who often cannot be identified.
2. Provide restriction on type of material burned to clearly prohibit the burning of materials such as mattresses, sofas, tires, landscape debris and wooden pallets with nails.
3. Reduce height of bonfires by limiting height to which burn material can be stacked to 12 inches above the upper edge of the fire ring.
4. Reduce hot coals and other debris adjacent to bonfires by limiting burn material to within the inside edge of the fire ring.

Coastal Area Committee and Mission Bay Park Committee of the Park and Recreation Board heard this issue and voted to support it.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D038-250.)

MOTION BY WOLFSHEIMER TO INTRODUCE. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea. Motion by Henderson to amend to limit the law to those people who build the fire or use illegal material as opposed to those people standing by. No second.

ITEM-S403: (O-90-121) INTRODUCED, TO BE ADOPTED FEBRUARY 26,
1990

(Continued from the meeting of February 5, 1990, Item 51,
at the request of Bret Vedder, of the Construction Industry
Federation, to allow adequate time for representatives of
the Construction Industry Federation to review the report
and respond to it.)

Introduction of an Ordinance amending Chapter IX, Article
1, Division 3, of the San Diego Municipal Code by amending
Section 91.0303 relating to Permit Issuance, to establish
time limits and clarify fees required.

(See Committee Consultant Analysis TLU-89-28 and City
Manager Report CMR-89-562.)

COMMITTEE ACTION: Initiated and reviewed by TLU on 12/11/89.
Recommendation to approve the Buildings Code Amendments proposed
in City Manager Report CMR-89-562 and forwarded the program to
the City Council for adoption. Districts 1, 2, 4, 5 and 8 voted
yea.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D250-350.)

MOTION BY ROBERTS TO INTRODUCE. Second by McCarty. Passed by
the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea,
Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-not
present, Mayor O'Connor-yea.

ITEM-S404: (R-90-1117) REFERRED TO PLANNING DEPARTMENT

(Continued from the meeting of February 5, 1990, Item 108,
at the City Manager's request, to bring back a more
descriptive resolution precisely showing where the easement
lies.)

Authorizing the Mayor and City Clerk to execute a deed
conveying to San Diego Gas & Electric Company, an easement
for electric service through a portion of Lake Hodges water
shed southwesterly of Lot 835 of Westwood Unit No. 16.

(Rancho Bernardo Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: As a requirement of Westwood Unit No. 16, Subdivision Map-9588, an existing overhead power line must be converted to underground facilities. As the original easement provides for overhead lines only, this easement will allow the underground process to be accomplished. This is part of the City's effort to underground electric service. SDG&E will quitclaim the existing easement back to the City in exchange for this new easement. Both easements are considered of equal value.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D340-398.)

MOTION BY WOLFSHEIMER TO REFER TO PLANNING DEPARTMENT AND THE JOINT POWERS AUTHORITY OF THE SAN DIEGUITO REGIONAL PARK TO REVIEW TO MAKE SURE THE TRAILS OVER THE EASEMENT WILL BE PROTECTED, AND TO BRING BACK FOR REDOCKETING. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S405: (R-90-1065) ADOPTED AS RESOLUTION R-275130

(Continued from the meeting of February 5, 1990, Item 128, at the City Manager's request, until the City has received the EPA Agreement.)

Authorizing the execution of an amendment and restatement to the South Bay Land Outfall Memorandum of Understanding with the California Water Resources Control Board, United States Section of the International Boundary and Water Commission, and United States Environmental Protection Agency, in connection with transboundary sewage flows from Tijuana, Mexico, to clarify the roles and responsibilities of the signatory agencies, together with modifications or amendments which do not increase the project scope or cost and which the City Manager shall deem necessary in order to carry out the purposes and intent of the project and agreement.

(See City Manager Report CMR-90-38. San Ysidro and Tijuana
River Valley Community Areas. District-8.)
WU-CWP-90-090.

FILE LOCATION: MEET CONFY90-1

COUNCIL ACTION: (Tape location: D399-409.)

MOTION BY HENDERSON TO ADOPT. Second by Filner. Passed by the
following vote: Wolfsheimer-yea, Roberts-not present,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S406:

Three actions relative to the final subdivision map of
Carmel Valley Neighborhood 1 Unit No. 3, a 91-lot
subdivision located northeasterly of Carmel Creek Road and
Carmel Center Road:

(North City West Community Area. District-1.)

Subitem-A: (R-90-1174) ADOPTED AS RESOLUTION R-275131

Authorizing the execution of a Subdivision Improvement
Agreement with Village Properties for the installation and
completion of public improvements.

Subitem-B: (R-90-1173) ADOPTED AS RESOLUTION R-275132

Approving the final map.

Subitem-C: (R-90-1175) ADOPTED AS RESOLUTION R-275133

Approving the acceptance by the City Manager of a grant
deed of Village Properties, granting to the City Lot A of
Carmel Valley Neighborhood 1 Unit 3.

FILE LOCATION: Subitems A and B SUBD-Carmel Valley
Neighborhood 1 Unit No. 3, Subitem-C DEED F
5176 CONTFY90-1 DEEDFY90-1

COUNCIL ACTION: Tape location: (A059-525, C050-080,
D410-428.)

Motion by Wolfsheimer to continue ITEMS-S406, S407, S408, S409, S411, and S414 to February 20, 1990, to meet with staff. Second by Hartley. At the request of Council Member Henderson ITEM-S414 was deleted from the motion. Motion was trailed.

Motion by Wolfsheimer to put nothing on the supplemental agenda in the future unless it is an emergency. Second by Hartley.

Motion withdrawn.

The vote on the continuance was taken. Failed by the following vote: Yeas-1,3,4,8. Nays-2,5,6,7,M.

The items were trailed for staff to be present.

Motion by Filner to refer to Rules Committee the agenda-setting process, including the supplementals, and how council members can get things placed on the agenda. Second by Wolfsheimer.

Passed by the following vote: Yeas-1,2,3,4,5,8,M. Nays-6,7.

Following a brief staff report the items were trailed for staff to meet with Council Member Wolfsheimer's staff to review the improvements.

MOTION BY WOLFSHEIMER TO ADOPT ITEMS S406, S407, AND S408.

Second by Henderson. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea,

Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor

O'Connor-yea.

ITEM-S407:

Three actions relative to the final subdivision map of Carmel Valley Neighborhood 4, Unit No. 5, a 92-lot subdivision located southeasterly of Del Mar Heights Road and Carmel Canyon Road:

(North City West Community Area. District-1.)

Subitem-A: (R-90-1282) ADOPTED AS RESOLUTION R-275134

Authorizing the execution of a Subdivision Improvement Agreement with Village Properties for the installation and completion of public improvements.

Subitem-B: (R-90-1281) ADOPTED AS RESOLUTION R-275135

Approving the final map.

Subitem-C: (R-90-1283) ADOPTED AS RESOLUTION R-275136

Approving the acceptance by the City Manager of a grant deed of Village Properties, granting to the City Lot 92, Carmel Valley Neighborhood 4, Unit No. 5, Parcel 7, Map-14460.

FILE LOCATION: Subitems A and B SUBD-Carmel Valley
Neighborhood 4, Unit No. 5, Subitem-C DEED
F-5177 CONTFY90-1 DEEDFY90-1

COUNCIL ACTION: Tape location: (A059-525, C050-080,
D410-428.)

Motion by Wolfsheimer to continue to February 20, 1990, ITEMS-S406, S407, S408, S409, S411, and S414 to meet with staff. Second by Hartley. At the request of Council Member Henderson ITEM-S414 was deleted from the motion. Motion was trailed. Motion by Wolfsheimer to put nothing on the supplemental agenda in the future unless it is an emergency. Second by Hartley. Motion withdrawn.

The vote on the continuance was taken. Failed by the following vote: Yeas-1,3,4,8. Nays-2,5,6,7,M.

The items were trailed for staff to be present.

Motion by Filner to refer to Rules Committee the agenda-setting process, including the supplementals, and how council members can get things placed on the agenda. Second by Wolfsheimer.

Passed by the following vote: Yeas-1,2,3,4,5,8,M. Nays-6,7.

Following a brief staff report the items were trailed for staff to meet with Council Member Wolfsheimer's staff to review the improvements.

MOTION BY WOLFSHEIMER TO ADOPT ITEMS S406, S407, AND S408.

Second by Henderson. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea,
Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor
O'Connor-yea.

ITEM-S408:

Three actions relative to the final subdivision map of
South Creek Parcels 35-48, Unit Nos. 1 and 2, a 106-lot
subdivision located southeasterly of Poway Road and
Springhurst Drive:

(Sabre Springs Community Area. District-1.)

Subitem-A: (R-90-1285) ADOPTED AS RESOLUTION R-275137

Authorizing the execution of a Subdivision Improvement
Agreement with Pardee Construction Company for the
installation and completion of public improvements.

Subitem-B: (R-90-1284) ADOPTED AS RESOLUTION R-275138

Approving the final map.

Subitem-C: (R-90-1286) ADOPTED AS RESOLUTION R-275139

Approving the acceptance by the City Manager of a grant
deed of Pardee Construction Company, granting to the City
Lots 100, 101 and 102 of South Creek Parcels 35-48, Unit
Nos. 1 and 2.

FILE LOCATION: Subitems A and B SUBD-South Creek Parcels
35-48, Unit Nos. 1 and 2, Subitem-C DEED
F-5178 CONFY90-1 DEEDFY90-1

COUNCIL ACTION: Tape location: (A059-525, C050-080,
D410-428.)

Motion by Wolfsheimer to continue ITEMS-S406, S407, S408, S409, S411, and S414 to meet with staff. Second by Hartley. At the request of Council Member Henderson ITEM-S414 was deleted from the motion. Motion was trailed.

Motion by Wolfsheimer to put nothing on the supplemental agenda in the future unless it is an emergency. Second by Hartley.

Motion withdrawn.

The vote on the continuance was taken. Failed by the following vote: Yeas-1,3,4,8. Nays-2,5,6,7,M.

The items were trailed for staff to be present.

Motion by Filner to refer to Rules Committee the agenda-setting process, including the supplementals, and how council members can get things placed on the agenda. Second by Wolfsheimer.

Passed by the following vote: Yeas-1,2,3,4,5,8,M. Nays-6,7.

Following a brief staff report the items were trailed for staff to meet with Council Member Wolfsheimer's staff to review the improvements.

MOTION BY WOLFSHEIMER TO ADOPT ITEMS S406, S407, AND S408.

Second by Henderson. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea,
Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor
O'Connor-yea.

ITEM-S409:

Eleven actions relative to the final subdivision map of
Sorrento Hills Corporate Center Phase I Unit 1, a 10-lot
subdivision located northwesterly of Carmel Mountain Road
and El Camino Real:

(Sorrento Hills Community Area. District-5.)

Subitem-A: (R-90-1199) **ADOPTED AS RESOLUTION R-275140**

Authorizing the execution of a Subdivision Improvement
Agreement with American Newland Associates for the
installation and completion of public improvements.

Subitem-B: (R-90-1198) ADOPTED AS RESOLUTION R-275141

Approving the final map.

Subitem-C: (R-90-1200) ADOPTED AS RESOLUTION R-275142

Approving the acceptance by the City Manager of that street easement deed of The Douglas Allred Company, granting to the City easements in those portions of the Southeast Quarter of the Southwest Quarter of Section 30, Township 14 South, Range 3 West of the San Bernardino base and meridian; dedicating said land as and for a public street, and naming the same Carmel Mountain Road and Sorrento Hills Boulevard.

Subitem-D: (R-90-1201) ADOPTED AS RESOLUTION R-275143

Approving the acceptance by the City Manager of a street easement deed of Harry G. Cooper, granting to the City easements in those portions of the Northwest Quarter of Section 31, Township 14 South, Range 3 West of the San Bernardino Meridian; dedicating said land as and for a public street, and naming the same Carmel Mountain Road and Sorrento Hills Way.

Subitem-E: (R-90-1202) ADOPTED AS RESOLUTION R-275144

Approving the acceptance by the City Manager of a street easement deed of American Newland Associates, granting to the City an easement in portions of the North Half of the Southwest Quarter of Section 30, Township 14 South, Range 3 West of the San Bernardino base and meridian; dedicating said land as and for a public street, and naming the same El Camino Real.

Subitem-F: (R-90-1203) ADOPTED AS RESOLUTION R-275145

Approving the acceptance by the City Manager of a street easement deed of American Newland Associates, granting to

the City an easement in that portion of the Northeast Quarter of the Southwest Quarter of Section 30, Township 14 South, Range 3 West of the San Bernardino base and meridian; dedicating said land as and for a public street, and naming the same El Camino Real.

Subitem-G: (R-90-1204) ADOPTED AS RESOLUTION R-275146

Approving the acceptance by the City Manager of that grant deed of American Newland Associates, conveying to the City a water easement in all that portion of Section 29, Section 30 and Section 31, Township 14 South, Range 3 West, of the San Bernardino Meridian; authorizing the execution of a quitclaim deed, quitclaiming to American Newland

Associates, all the City's right, title and interest in the water easement in all that portion of Section 29, Section 30 and Section 31, Township 14 South, Range 3 West, San Bernardino Meridian.

Subitem-H: (R-90-1205) ADOPTED AS RESOLUTION R-275147

Declaring that the street reservation in Parcel 2 of Parcel Map PM-13819 and Lot 6 of Via Sorrento Valley Industrial Park Unit 5, Map-6330; dedicating said land as and for a public street, and naming the same Carmel Mountain Road.

Subitem-I: (R-90-1206) ADOPTED AS RESOLUTION R-275148

Authorizing the execution of an Agreement with American Newland Associates for the acquisition of off-site right-of-way and slope and drainage easements for El Camino Real, together with any necessary modifications or amendments which do not increase the project scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement.

Subitem-J: (R-90-1207) ADOPTED AS RESOLUTION R-275149

Authorizing the execution of an Agreement with American Newland Associates for the acquisition of property and design, construction and occupancy of improvements for El Camino Real, together with any necessary modifications or amendments which do not increase the project scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement.

Subitem-K: (R-90-1208) ADOPTED AS RESOLUTION R-275150

Setting aside a portion of City owned land in Pueblo Lot 1362 for sewer easement purposes.

CITY MANAGER SUPPORTING INFORMATION: In addition to the standard Subdivision Improvement Agreement and other related items, the subdivider is entering into two other agreements.

Both relate to the off-site improvement of El Camino Real between this subdivision and Carmel Valley Road. The first is a Right-of-way Acquisition Agreement for a portion of El Camino Real just north of this development. The second is an Agreement to acquire right-of-way, design and construct El Camino Real

from approximately 800 feet north of this development to Carmel Valley Road. The subdivider has been unable to acquire the right-of-way, and both agreements provide for the City to acquire the right-of-way, by negotiation or condemnation, if necessary. Upon completion of the required public improvements, Condition Nos. 11, 18 and 19 of Subdivision Board Resolution No. 3919 will be satisfied. It is anticipated, however, that the present alignment may be changed at the behest of CalTrans in connection with the improvement of Freeway Route 56.

Therefore, the developer desires to enter into an agreement to provide the improvements at a later date when a decision has been made as to the final alignment of El Camino Real. Bonds in the amounts of \$290,850.00, \$300,000.00 and \$6,698,403.00 have

been posted to assure the acquisition of right-of-way,
preparation of plans, and construction of El Camino Real,
respectively.

FILE LOCATION: Subitems A, B, I, and J SUBD-Sorrento Hills
Corporate Center Phase I Unit 1, Subitem-C
DEED F-5179, Subitem-D DEED F-5180,
Subitem-E DEED F-5181, Subitem-F DEED
F-5182, Subitem-G DEED F-5183, Subitem-H
DEED F-5184, Subitem-K DEED F-5185
CONTFY90-3 DEEDFY90-7

COUNCIL ACTION: Tape location: (A059-525, C050-080,
C090-235.)

Motion by Wolfsheimer to continue ITEMS-S406, S407, S408, S409,
S411, and S414 to meet with staff. Second by Hartley. At the
request of Council Member Henderson ITEM-S414 was deleted from
the motion. Motion was trailed.

Motion by Wolfsheimer to put nothing on the supplemental agenda
in the future unless it is an emergency. Second by Hartley.
Motion withdrawn.

The vote on the continuance was taken. Failed by the following
vote: Yeas-1,3,4,8. Nays-2,5,6,7,M.

The items were trailed for staff to be present.

Motion by Filner to refer to Rules Committee the agenda-setting
process, including the supplementals, and how council members
can get things placed on the agenda. Second by Wolfsheimer.

Passed by the following vote: Yeas-1,2,3,4,5,8,M. Nays-6,7.

Following a brief staff report the items were trailed for staff
to meet with Council Member Wolfsheimer's staff to review the
improvements.

MOTION BY WOLFSHEIMER TO ADOPT ITEMS S409 AND S411. Second by
Henderson. Passed by the following vote: Wolfsheimer-yea,
Roberts-yea, Hartley-yea, Pratt-not present, Bernhardt-yea,
Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S410:

Two actions relative to the final subdivision map of View Ridge Annex, a 53-lot subdivision located northeasterly of Terra Cotta Road and Ultramarine Lane:
(Skyline/Paradise Hills Community Area. District-4.)

Subitem-A: (R-90-1309) ADOPTED AS RESOLUTION R-275151

19900212

Authorizing the execution of a Subdivision Improvement Agreement with La Jolla Alta for the installation and completion of public improvements.

Subitem-B: (R-90-1308) ADOPTED AS RESOLUTION R-275152

Approving the final map.

FILE LOCATION: Subitems A and B SUBD-View Ridge Annex
CONFY90-1

COUNCIL ACTION: (Tape location: A525-589.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Bernhardt.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S411: (R-90-1192) ADOPTED AS RESOLUTION R-275153

19900212

Authorizing the execution of an agreement with Almgren and Koptonak, Inc. for consulting services in connection with

the La Jolla-Pacific Beach Trunk Sewer, together with any necessary modifications or amendments which do not increase the project scope or cost and which the City Manager shall deem necessary from time to time in order to carry out the purposes and intent of this project and agreement; authorizing the City Auditor and Comptroller to transfer a sum not to exceed \$178,745 within the Sewer Revenue Fund (41506), Sewer Construction Outlay (70492), from CIP-43-093.0, Island Avenue Sewer Interceptor, to CIP-46-164.0, La Jolla-Pacific Beach Trunk Sewer; authorizing the expenditure of an amount not to exceed \$516,745 from the Sewer Revenue Fund (41506), CIP-46-164.0, La Jolla-Pacific Beach Trunk Sewer, to provide funds for the above project.
(La Jolla/Pacific Beach Community Areas. Districts-1 and 6.)

CITY MANAGER SUPPORTING INFORMATION: This agreement is for predesign, design, and construction assistance services for the improvement of the La Jolla-Pacific Beach Trunk Sewers (LJ-PBTS). This improvement project will provide additional capacity for the addition of dry weather storm drain flows from the Mission Bay Sewage Interceptor System (MBSIS) and future growth in the beach area. The City is under Regional Water Quality Control Board (RWQCB) Cease and Desist Order No. 87-89 to implement the MBSIS. Project design by a consultant is recommended to meet the RWQCB compliance schedule. The project

was advertised in the Daily Transcript on April 21, 1989 with 21 consultants responding. Six consultants were interviewed in accordance with Council Policy 300-7, and Almgren and Koptionak, Inc. was selected. Almgren and Koptionak's responsibilities will include a preliminary design report, environmental study, construction drawings and specifications, shop drawing review, and construction support services for a contract amount not to exceed \$516,745. Project subconsultants are: Inland Aerial Surveys, Inc. (WBE), Aerial Mapping - \$30,500; Allied Geotechnical Engineers, Inc. (MBE), Geotechnical - \$25,000;

Linscott, Law and Greenspan Engineers, Traffic Control - \$35,600; Pacific Southwest Biological Services - \$4,000; Brian Smith, Cultural Resources - \$2,000 and Thomas Demere, Paleontology - \$2,000.
Aud. Cert. 9000680.
WU-U-90-101.

FILE LOCATION: MEET CCONFY90-1

COUNCIL ACTION: (Tape location: A059-525, C050-080, C090-235.)

Motion by Wolfsheimer to continue ITEMS-S406, S407, S408, S409, S411, and S414 to meet with staff. Second by Hartley. At the request of Council Member Henderson ITEM-S414 was deleted from the motion. Motion was trailed.

Motion by Wolfsheimer to put nothing on the supplemental agenda in the future unless it is an emergency. Second by Hartley.
Motion withdrawn.

The vote on the continuance was taken. Failed by the following vote: Yeas-1,3,4,8. Nays-2,5,6,7,M.

The items were trailed for staff to be present.

Motion by Filner to refer to Rules Committee the agenda-setting process, including the supplementals, and how council members can get things placed on the agenda. Second by Wolfsheimer.

Passed by the following vote: Yeas-1,2,3,4,5,8,M. Nays-6,7.

Following a brief staff report the items were trailed for staff to meet with Council Member Wolfsheimer's staff to review the improvements.

MOTION BY WOLFSHEIMER TO ADOPT ITEMS S409 AND S411. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S412: (R-90-1119) ADOPTED AS RESOLUTION R-275154

Authorizing the execution of Amendment No. 3 to the agreement with Regional Environmental Consultants (RECON), for joint EIR/EIS modifications to the Metropolitan Sewage System; authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$500,799 within Fund

41506, from CIP-46-154.0, South Bay Land Outfall, to CIP-46-147.0, Modified Wastewater Treatment Facilities Plan; authorizing the expenditure of an amount not to exceed \$500,799 from CIP-46-147.0, Modified Wastewater Treatment Facilities Plan, for the purposes of providing funds for the project.

(See City Manager Report CMR-90-36 and Committee Consultant Analysis PSS-90-2.)

COMMITTEE ACTION: Reviewed by PSS on 1/31/90. Recommendation to approve the City Manager's recommendation. Districts 2, 3, 4, 5 and 7 voted yea.
Aud. Cert. 9000608.
WU-CWP-90-098.

FILE LOCATION: MEET CCONFY90-1

COUNCIL ACTION: (Tape location: A525-589.)
CONSENT MOTION BY HENDERSON TO ADOPT. Second by Bernhardt.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S413: (R-90-1131) ADOPTED AS RESOLUTION R-275155

Authorizing the City Manager to follow the procedures and time schedule outlined in City Manager Report CMR-89-449, to hire design consultants for the upgrade and expansion of the Metropolitan Sewerage System.
(See City Manager Reports CMR-90-37 and CMR-89-449.)

COMMITTEE ACTION: Reviewed by PSS on 1/31/90. Recommendation to approve the City Manager's recommendations. Districts 2, 3, 4, 5 and 7 voted yea.
WU-CWP-90-099.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A508-510, A525-589.)

Comments by Council Member Pratt.

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Bernhardt.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-nay,
McCarty-yea, Filner-nay, Mayor O'Connor-yea.

ITEM-S414: (R-90-1190) REFERRED TO CITY MANAGER

(Note: Reconsidered on February 13,
1990)

Authorizing the execution of Amendment No. 4 to the agreement of March 22, 1988 with James M. Montgomery, Inc. for professional engineering services in connection with program management and predesign work for the Metropolitan Sewerage System; authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$3,800,000 within the Sewer Revenue Fund No. 41506 from CIP-46-154, South Bay Land Outfall, to CIP-46-147.0, Modified Wastewater Treatment Facilities Plan; authorizing the expenditure of an amount not to exceed \$11,778,000 from the Sewer Revenue Fund No. 41506, CIP-46-147.0, Modified Wastewater Treatment Facilities Plan, for the purpose of providing funds for the above amendment; authorizing the expenditure of an amount not to exceed \$500,000 from the Sewer Revenue Fund No. 41506, CIP-46-147.0, Modified Wastewater Treatment Facilities Plan, for the purpose of obtaining facilities and equipment to support the above agreement.

(See City Manager Report CMR-90-43 and Committee Consultant Analysis PSS-90-2.)

COMMITTEE ACTION: Reviewed by PSS on 1/31/90. Recommendation to approve the City Manager's recommendation. Districts 2, 4 and 7 voted yea. Districts 3 and 5 voted nay.
Aud. Cert. 9000676.
WU-CWP-90-100.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D430-F054.)

Motion by McCarty to approve. Second by Pratt. Failed by the following vote: Yeas-2,4,7,M. Nays-1,3,5,6,8.

Motion by Filner to incorporate a conservation element. No second.

MOTION BY FILNER TO DIRECT THE CITY MANAGER TO REDOCKET AS AN ITEM CONTINUING THE PLAN FOR SEWAGE SYSTEM AND TAKING INTO ACCOUNT COUNCIL'S CONSIDERATIONS. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-yea, Pratt-nay, Bernhardt-yea, Henderson-yea, McCarty-nay, Filner-yea, Mayor O'Connor-nay.

ITEM-S415: REFERRED TO RULES COMMITTEE

The matter of Council discussion of the closure of the 10th Floor Council offices to the press.
(See Report from the City Attorney dated 2/8/90.)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: F054-074.)

MOTION BY HARTLEY TO REFER TO RULES. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-nay, Filner-yea, Mayor O'Connor-yea.

* ITEM-S416: (R-90-1301) ADOPTED AS RESOLUTION R-275156

Endorsing the efforts of the San Diego Private Industry Council and Regional Employment Training Consortium to gain the Youth Opportunities Challenge Grant from the Department of Labor and encouraging PIC/RETC to establish the "High School Redirection" program upon the grant's award.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A525-589.)

CONSENT MOTION BY HENDERSON TO ADOPT. Second by Bernhardt.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S417: (R-90-1189) CONTINUED TO FEBRUARY 13, 1990

Declaring that Council supports and requests amendment of
Section 1317 of the Tax Reform Act of 1976, to read as
follows:

Section 146 of the 1986 Code shall not apply to up to
a maximum of \$306,395,000 of private activity bonds
(within the meaning of Section 146) designated by the
City of San Diego, California, and issued by or on
behalf of the State of California, or any of its
political subdivisions, to finance:

- (a) municipal solid waste disposal facilities located
in San Diego County, California, or
- (b) other categories of exempt facilities listed in
Section 142(a) or other facilities listed in
Section 144(a), and located in the San Diego
Enterprise Zone or the San Diego Centre City East
Planned District.

Authorizing and directing the Director of the
Intergovernmental Relations Department to convey to
the appropriate officials the City's position in this
matter.

(See Intergovernmental Relations Department Report
IRD-90-6. Southeast San Diego, Centre City East and Barrio
Logan Community Areas. Districts-4 and 8.)

CITY MANAGER SUPPORTING INFORMATION: In 1985, the California
Pollution Control Financing Authority (CPCFA) obtained a
\$306,395,000 allocation of statewide volume cap on a

carryforward basis, allowing it to issue tax exempt private activity bonds to finance the proposed SANDER trash-to-energy plant. The tax Reform Act of 1986 severely restricted tax exempt private activity bonds; however, the Act authorized an indefinite extension of the CPCFA's SANDER carryforward

allocation of statewide volume cap. In 1987, San Diego's voters approved a ballot proposition which prohibited the SANDER project. The City may now issue tax exempt private activity bonds for housing and industrial development, but those bonds are subject to a severely limited statewide volume cap imposed by the Tax Reform Act. The SANDER carryforward is independent of the cap. It is recommended that the City Council request that the Tax Reform Act of 1986 be amended so that the City of San Diego or its designees would have the authority to issue private activity bonds under the extended SANDER carryforward. The City is continuing to seek solutions to solid waste disposal needs, and the bond carryforward allocation for such purpose would be continued in the proposed amendment. In addition, the proposed amendment would provide a source of statewide volume cap allocation for the City as it seeks ways to finance housing in Centre City East and to finance both affordable housing and job opportunities in the Southeast/Barrio Logan Enterprise Zone. The City Council would have the final say as to which private projects would be supported; however, specific projects anticipated include three separate resource recovery facilities, affordable housing (with supporting commercial uses) in Centre City East and Barrio Logan, industrial facilities along Commercial Street, and hospital improvements and related facilities between Market Street and Imperial Avenue.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: C310-590.)

MOTION BY ROBERTS TO CONTINUE TO FEBRUARY 13, 1990, TO ALLOW COUNCIL MEMBERS AN OPPORTUNITY TO ADD TO LIST AND CONSIDER PROJECTS THAT MIGHT BE INCLUDED FOR FINANCING BY PRIVATE ACTIVITY BONDS. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

ITEM-CC-1: REFERRED TO CITY MANAGER

Comments by Mayor O'Connor on concerns regarding the closing of the YWCA's women's shelter downtown and requesting the City Manager to look into the matter.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: F090-095.)

COUNCIL COMMENT:

ITEM-CC-2: REFERRED TO CITY ATTORNEY

Council Member Hartley requested that the City Attorney present a status report on the lawsuit USA v. City of San Diego in the Closed Session on Tuesday, February 13, 1990.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: F100-110.)

MOTION BY HARTLEY TO DIRECT THE CITY ATTORNEY TO PRESENT A STATUS REPORT ON USA V. CITY OF SAN DIEGO. Second by Filner.

Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-not present, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

PUBLIC COMMENT:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Wolfsheimer at 5:42 p.m. to meet in closed session at 9:00 a.m., Tuesday, February 13, 1990, in the twelfth floor conference room on pending litigation.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F121).